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Summary record of the 49th meeting
Held at Headquarters, New York, on Thursday, 27 April 2006, at 3 p.m.

Chairman: Mr. Ashe ..... (Antigua and Barbuda)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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The meeting was called to order at 4.55 p.m.

Agenda item 46: Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields (*continued*)

Agenda item 118: United Nations reform: measures and proposals (*continued*)

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Investing in the United Nations: for a stronger Organization worldwide (*continued*)
(A/C.5/60/L.37/Rev.1)

Draft resolution A/C.5/60/L.37/Rev.1 (*continued*)

1. **The Chairman** drew the attention of the Committee to a letter addressed to him by the Secretary-General, dated 27 April 2006.

2. **Mr. Abelian** (Secretary of the Committee) read out the letter, which was worded as follows:

> "Dear Mr. Chairman,
>
> Over the last several days, I had the opportunity to discuss with Member States my report on 'Investing in the United Nations: for a stronger Organization worldwide'.
>
> "It is apparent that there are some concerns related to proposals 20 and 21. While my sole purpose was to propose more efficient working methods for the intergovernmental process, I recognize that these two proposals have provoked concern and resistance.
>
> "Certainly they should not be allowed to stand in the way of consensus or lead to a departure from the valuable and well-established practice of avoiding divisive votes on budgetary matters. Neither should they be an impediment to achieving progress on other aspects of reform. Accordingly, the Committee may wish to set aside proposals 20 and 21.
>
> "With this contentious issue set aside, I would urge the Committee to proceed quickly to an agreed resolution adopted by consensus that allows the programme of work on the management reforms to continue without delay."

3. **Mr. Pfanzelter** (Austria), speaking on behalf of the European Union, said that the letter of the Secretary-General was an important new development. He requested a suspension of the meeting to allow not just the European Union, but all other States and groups of States, to consider its contents.

4. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that, as the letter raised issues connected with the draft resolution introduced by his Group, he would like to consult all the co-sponsors on its implications. He requested that the meeting should be suspended to allow such consultation.

5. **Mr. Bolton** (United States of America) said that his delegation had no objection to the idea of suspending the meeting. He hoped that delegations would take the opportunity to focus on the true meaning of the letter of the Secretary-General.

6. **Ms. Chassoul** (Costa Rica) reminded the Committee of the importance of properly understanding and applying rules 106 and 107 of the rules of procedure of the General Assembly. Costa Rica had supported a flexible interpretation and implementation of the rules of procedure in deference to the Bureau of the Committee and in the sincere hope that the delegations would reach a consensus on the draft resolution introduced by the Group of 77 and China, but trusted, in the unfortunate event that it

proved impossible to adopt the draft resolution by consensus, that the Committee would proceed in strict conformity with those rules.

The meeting was suspended at 5 p.m. and resumed at 5.50 p.m.

7. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group, after carefully considering the letter addressed to the Chairman by the Secretary-General, wished to propose a further revision to draft resolution A/C.5/60/L.37/Rev.1, as orally revised at the previous meeting (see A/C.5/60/SR.48). The new revision would consist of deleting paragraphs 1 to 5 of section VIII, which related to proposals 20 and 21 of the report of the Secretary-General (A/60/692). They would be replaced with the following text:

> "*Takes note* of the letter of the Secretary-General to the Chairman of the Fifth Committee, dated 27 April 2006, recommending to set aside proposals 20 and 21, and decides that the suggestions in those proposals will not be pursued any further in the context of the consideration of the Secretary-General's report or in any other context".

The Group of 77 and China would await the reaction of its partners before proposing further action.

8. **Mr. Bolton** (United States of America) said that, while his delegation was pleased that the Group of 77 and China had given consideration to the letter of the Secretary-General and was prepared to discuss the matter further, it could not accept the proposed revision to the draft resolution. The United States did not object to the draft resolution stating that proposals 20 and 21 should not be considered in the Fifth Committee, a position which his delegation had in fact been advocating for some time. However, it believed not only that the ideas in proposals 20 and 21 of the report of the Secretary-General should be discussed by the General Assembly in plenary session, but also that the Fifth Committee must neither seek to limit what the Member States could discuss in that forum, nor to invoke the letter of the Secretary-General to prevent the General Assembly specifically from debating proposals 20 and 21.

9. **Mr. Marschik** (Austria), speaking on behalf of the European Union, said that his Group and a number of other States had reaffirmed their desire to strive for consensus and to avoid a divisive vote in the letter they had addressed to the President of the General Assembly earlier in the day (see A/C.5/60/SR.48), to which the Committee seemed to have given scant attention. His Group had considered the subsequent letter of the Secretary-General addressed to the Chairman in a positive spirit. While it continued to believe that the proposals regarding governance in the report of the Secretary-General should be discussed on an equal footing with all other proposals in the report, it would be prepared to set aside proposals 20 and 21 for the sake of consensus if others were prepared to do the same. However, the Group of 77 and China appeared to be advocating a course of action that would go beyond the setting-aside of proposals 20 and 21 and encompass the handling of those issues at a later stage. His Group believed that the Fifth Committee should instead return to, and work on the basis of, the measures which the Secretary-General had suggested in his letter.

10. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that he would confine his comments to the letter from the Secretary-General currently before the Committee, not having seen any other letter which might be discussed. His Group was very reluctant to adopt, as it stood, the suggestion of the Secretary-General that consideration of proposals 20 and 21 should be set aside, regarding it as too ambiguous. As the letter had been addressed to the Chairman of the Fifth Committee, the Group assumed it was aimed at ensuring that proposals 20 and 21 would be set aside only in the Fifth Committee. However, the Group wished proposals 20 and 21 to be set aside once and for all, in other words not just in the Fifth Committee, but also elsewhere, and had worded its proposed revision accordingly.

11. **The Chairman** suggested that, in order to consider the most recent proposal of the Group of 77 and China, the Committee should proceed to "informal" informal consultations later on the same day.

12. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that, before taking the discussion any further, the Committee should recall where it stood. His Group had originally requested immediate action on its draft resolution, as orally revised. The European Union had requested a recorded vote on the draft. The letter of the Secretary-General had then been put before the Committee for

consideration. The Group of 77 and China had subsequently informed the Committee that it was willing to set aside proposals 20 and 21 on the clear understanding that there should be no doubt about the interpretation of the phrase "set aside". He would like to know whether the basis for the "informal" informal consultations would be the draft resolution in the form it had taken before the request for a recorded vote or the draft resolution in whatever form it might assume after consideration of the letter of the Secretary-General.

13. **Mr. Bolton** (United States of America) said that his delegation would also like the Committee to reflect on the current situation before discussion proceeded any further. Recalling that proposals 20 and 21 in the report of the Secretary-General dealt with relations between the Secretariat and the General Assembly and made specific suggestions for improving the overall operation of the United Nations bodies dealing with budget and management matters, he emphasized that the wording which the Group of 77 and China proposed to insert in draft resolution A/C.5/60/L.37/Rev.1 would bar those proposals from discussion in the Fifth Committee or anywhere else, presumably indefinitely. That conflicted with his delegation's interpretation of the phrase "set aside".

14. Moreover, sovereign Governments could not be prevented from discussing proposals 20 and 21 in the General Assembly. While his own Government did not agree with every aspect of those proposals, it saw merit in debating them. The Group of 77 and China had not merely raised a technical matter — the wording of a draft resolution — but seemed to be seeking to exclude a major issue — the improvement of governance — from discussion in any United Nations forum. His Government could not accept that approach and hoped that other Governments would consider carefully the implications of so drastic a limitation of the ability to move forward reform in the United Nations system.

15. **Mr. Ozawa** (Japan) said that the proposed new revision of the draft resolution had left his delegation perplexed. The intent of the letter of the Secretary-General to the Chairman had been to suggest that, because proposals 20 and 21 had acquired a political momentum of their own, they should be set aside to enable the Committee to remain faithful to its long tradition of making decisions by consensus. However, the wording put forward by the Group of 77 and China risked precipitating a new division and having the opposite effect.

16. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that, in the light of the reaction to the Group's proposal, the only possible course of action was to revert to the stage reached before the suspension of the meeting, when the Group had requested action on its draft resolution without a vote and in strict accordance with the rules of procedure of the General Assembly, while the European Union had called for a recorded vote.

17. **The Chairman**, suggested that the Committee's next formal meeting should be held on 28 April 2006 at 3 p.m., thereby allowing delegations time to take a fresh look at the draft resolution in the light of the Secretary-General's letter and to conduct consultations.

18. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that he wished to reiterate the position of his Group, namely that all the sponsors of draft resolution A/C.5/60/L.37/Rev.1 were requesting that it should be adopted without a vote and in accordance with the rules of procedure of the committees of the General Assembly and of the General Assembly itself.

19. **The Chairman** said that he would like to know whether the Group of 77 and China was at all willing to take up his suggestion of further consultations.

20. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group was still uncertain what exactly the Committee would be discussing if it devoted more time to consultations.

21. **The Chairman** said that, at previous meetings, a number of delegations which were not members of the Group of 77 and China had expressed disagreement with aspects of draft resolution A/C.5/60/L.37/Rev.1, including, but not restricted to, the aspects relating to proposals 20 and 21. In his view, if the draft resolution was to be adopted by consensus, it must be examined as a whole to ensure that all delegations were in a position to support it.

22. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group was still not sure where the Chairman's suggestion would lead. The Group had proposed a further revision of its draft resolution in an attempt to accommodate the content of the letter of the Secretary-General. As some delegations had already expressed their opposition to

that revision, the only remaining basis for discussion was the Group's draft resolution in the form it had taken before the suspension of the current meeting.

23. **Mr. Marschik** (Austria), speaking on behalf of the European Union, said that his Group supported the efforts of the Chairman to maintain the momentum of discussion, and supported his suggestion. In his letter, the Secretary-General had offered the Committee a possible basis for consensus, a goal to which the European Union was still committed. His Group regretted and deplored the unwillingness of the Group of 77 and China to pursue such efforts.

24. The representative of South Africa, speaking on behalf of the Group of 77 and China, had earlier maintained that his Group had not received the letter addressed to the President of the General Assembly by the States members of the European Union, and a number of other States, informing him of their considerable difficulties with the original text of draft resolution A/C.5/60/L.37/Rev.1. He was willing to read out the letter if necessary, as it had gathered the support of 45 States and illustrated how far from consensus the Committee still was.

25. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China on a point of order, said that his Group questioned the relevance to the current situation of the letter referred to by the representative of Austria. The Group of 77 and China had requested that the rules of procedure of the General Assembly should be followed. It wished to avoid recourse to rule 113.

26. **Mr. Bolton** (United States of America) said that the Committee had become caught in a vicious circle. The arguments being repeatedly presented to it illustrated the lack of consensus on draft resolution A/C.5/60/L.37/Rev.1. Two options existed. The first was for the Group of 77 and China to decide whether it wished to press for a decision on its draft resolution, with the consequences that that entailed. The second was for the Committee to ask its Chairman simply to report its inability to reach a consensus to the President of the General Assembly, thus acting in accordance with the letter by which the President of the General Assembly had originally referred the report of the Secretary-General to the Fifth Committee for consideration. In the view of his delegation, the Committee should consider those options, as the alternative was to remain in an endless cycle of argument and counter-argument.

27. **Mr. Abdelaziz** (Egypt) said that his delegation took issue with, and regarded as inappropriate, the use of the word "deplore" by the representative of Austria, speaking on behalf of the European Union, to describe the actions of the Group of 77 and China. Speakers should observe a minimum degree of courtesy.

28. Turning to the letters to which the Committee had been referring, he indicated his delegation's view that the letter addressed by 50 or so representatives to the President of the General Assembly amounted to a motion of no action on draft resolution A/C.5/60/L.37/Rev.1, because — as a prerequisite for referring the matter back to the plenary Assembly — some action must be taken on the draft resolution, which could not simply be left in abeyance. The rules of procedure of the General Assembly required a certain sequence of events. Either the sponsors must withdraw their draft, in which case the matter could be referred to the General Assembly, or the Committee must take action on that draft, in which case the matter could be referred to the General Assembly if the draft was rejected. If the European Union was in fact proposing a motion for no action on draft resolution A/C.5/60/L.37/Rev.1, the Committee should put that motion to a vote and decide the fate of the draft resolution as a consequence. If the European Union was not in fact proposing a motion for no action, the Committee should proceed as the rules of procedure of the General Assembly required. His delegation wished to remind the Committee that the European Union, at the previous meeting, had requested a recorded vote on the draft resolution, and to urge the Chairman to ensure that the rules of procedure of the General Assembly were followed.

29. **Mr. Cabral** (Guinea-Bissau) said that he wished to echo the views of the representative of Egypt and stress that, whatever the frustrations delegations felt, they must remain measured in their reactions and avoid inappropriate language. Turning to the letter to the President of the General Assembly, which had been mistakenly dated 27 May 2006, he assured the representative of Austria that his delegation had paid attention to its content.

30. **Ms. Banks** (New Zealand), speaking also on behalf of Australia and Canada, said that the Chairman's suggestion of further "informal" informal

consultations deserved consideration. The Secretary-General rarely approached the Committee with an appeal of the kind made in his letter to the Chairman. Her Group believed that his suggestion to set aside proposals 20 and 21 provided a possible way out of the current impasse. In any event, no Member State could in effect require that a particular topic should be set aside for all time and in all circumstances, and her Group certainly did not share such an interpretation of the letter.

31. **Mr. Debabeche** (Algeria) said that his delegation supported the views expressed by the representative of Egypt.

32. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group had listened carefully to the Chairman's suggestion and the reactions of other delegations to that suggestion. However, it could see no alternative but to request respectfully that the Chairman should withdraw his suggestion and tell the Committee to return to the stage it had reached before the suspension of the current meeting.

33. **Mr. Trautwein** (Germany) said that his delegation deplored the course of the current discussion, which ran counter to the Fifth Committee's reputation for being businesslike and consensual and accepting any reasonable suggestion made by the Chairman. In the current instance, his delegation expressed its support for the Chairman's suggestion and deplored the prospect of refusing to give fair consideration and time to a letter from the Secretary-General to the Chairman of the Committee. He urged the members of the Committee to think twice before taking a step which they might later regret.

34. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that his Group had tried hard to prevent the current debate from degenerating into one that was unseemly for the Fifth Committee. He wished to take a moment to recapitulate, lest there be too much focus on the way forward and too little focus on how the current situation had arisen. The view of the Group of 77 and China was based on its belief that the report of the Secretary-General had an unfortunate underlying theme: to change the role of the Member States in overseeing the activities of the General Assembly.

35. The Group had also consistently expressed the view that proposals 16, 19, 20 and 21 were interrelated. While it had consented to the provisions of paragraph 11 of General Assembly resolution 60/246 regarding limited discretion in budgetary implementation for the Secretary-General, it had insisted that such discretion must be accompanied by clearly defined parameters and accountability mechanisms. While it would not reverse the consensus decision reflected in that paragraph, it expected its partners not to go beyond what had been agreed. Proposal 16 contained ideas introduced by its partners but originally rejected by the Group of 77 and China during the negotiation of resolution 60/246 on the ground that they lacked accountability.

36. The Group of 77 and China had been surprised to find that proposals 20 and 21 went beyond the recommendations contained in paragraphs 162 and 163 of the 2005 World Summit Outcome, and, more particularly, had never expected that acceptance of paragraph 162 of the Summit Outcome would deny Member States decision-making roles in the General Assembly and lead to the idea of decision-making by working groups of limited membership. While the Group understood and respected the tradition of consensus in the Committee, it wondered what alternatives were left to it after countless hours of discussion. At some stage, the Committee must take action on the draft resolution before it, no matter how painful that proved.

37. If the Chairman felt strongly that further consultations were in order, the Group of 77 and China would not stand in the way. To accommodate those who wished to continue the discussion, he was willing to take the responsibility of deciding on behalf of the Group that the next formal meeting of the Committee should be held at 10 a.m. on 28 April 2006, on the clear understanding that action on draft resolution A/C.5/60/L.37/Rev.1, as orally revised, would then be taken in accordance with the rules of procedure of the General Assembly.

38. **The Chairman** said he took it that the Committee agreed to proceed that evening to "informal" informal consultations on draft resolution A/C.5/60/L.37/Rev.1, as orally revised, and to meet in formal session the following day.

39. *It was so decided.*

The meeting rose at 6.40 p.m.